

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

CYMEYON HILL,

Plaintiff,

v.

MARTINI, et al.,

Defendant.

No. 2:22-cv-1603 KJM AC P

ORDER

Plaintiff, a civil detainee proceeding pro se, has filed this civil rights action seeking relief under 42 U.S.C. § 1983. The matter was referred to a United States Magistrate Judge as provided by 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On June 7, 2023, the magistrate judge filed findings and recommendations, which were served on plaintiff and contained notice that any objections to the findings and recommendations were to be filed within twenty-one days. ECF No. 15. Plaintiff has filed objections. ECF No. 16.

In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C) and Local Rule 304, this court has conducted a *de novo* review of this case. Having reviewed the file, the court finds the findings and recommendations to be supported by the record and by the proper analysis.

This court previously declined to adopt the magistrate judge's recommendation to deny plaintiff's motion to proceed in forma pauperis. Prior Order, ECF No. 13. This court reasoned that plaintiff could be unable to afford the costs of transcripts, records and other fees, even though

1 plaintiff had a trust fund account containing several thousand dollars. *Id.* at 2–3. Following this
2 court’s decision, the magistrate judge ordered plaintiff to explain discrepancies between his
3 motion to proceed in forma pauperis and his trust fund statement, such as the source of recent
4 cash inflows. Prior Order, ECF No. 14. Plaintiff never responded, so the magistrate judge again
5 recommends denial of his motion. Findings & Recommendations, ECF No. 15. In plaintiff’s
6 objections to the findings and recommendations, he does not address his non-compliance with the
7 magistrate judge’s order; instead, he dismisses the court’s authority. *See* Objs. at 3, ECF No. 16.
8 On this record, the court cannot conclude plaintiff has insufficient funds to pay the fees and costs
9 of this lawsuit, so it **denies** his motion to proceed in forma pauperis.

10 Accordingly, IT IS HEREBY ORDERED that:

- 11 1. The findings and recommendations filed June 7, 2023 (ECF No. 15), are adopted in
12 full;
- 13 2. Plaintiff’s motion for leave to proceed in forma pauperis (ECF No. 9) is DENIED;
- 14 3. Within thirty days of the service of this order plaintiff shall pay the filing fee or face
15 dismissal of this case; and
- 16 4. This matter is referred back to the assigned magistrate judge for all further pretrial
17 proceedings.

18 DATED: July 24, 2023.

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21 CHIEF UNITED STATES DISTRICT JUDGE
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